

Deverie J. Christensen
Nevada State Bar No. 6596
Hilary A. Williams
Nevada State Bar No. 14645
JACKSON LEWIS P.C.
300 S. Fourth Street, Suite 900
Las Vegas, Nevada 89101
Tel: (702) 921-2460
Email: deverie.christensen@jacksonlewis.com
Email: hilary.williams@jacksonlewis.com

*Attorneys for Defendant
Stratosphere Gaming LLC d/b/a
THE STRAT*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ELIZABETH CHAVEZ, an individual,

Plaintiff,

vs.

STRATOSPHERE GAMING LLC d/b/a THE
STRAT, a limited liability company;

Defendant.

Case No.: 2:20-cv-01048-GMN-NJK

**STIPULATION AND ORDER TO
EXTEND DISCOVERY AND
DISPOSITIVE MOTION DEADLINES**

(Fourth Request)

Defendant Stratosphere Gaming, LLC d/b/a THE STRAT (“Defendant” or “Strat”) by and through its counsel of record, Jackson Lewis, P.C., and Plaintiff Elizabeth Chavez (“Plaintiff”), by and through her counsel of record, Mullins and Trenchak, hereby stipulate and agree as follows:

1. On September 25, 2020, the Court entered an Order granting the Stipulated Discovery Plan and Scheduling Order submitted by the parties. ECF No. 19.

2. In this case, the parties have been working on written discovery, including Defendant servicing its responses to extensive written discovery served by Plaintiff, including Interrogatories, Requests for Production of Documents, Requests for Admissions, and supplementing Initial Disclosures. Defendant also served written discovery on Plaintiff, and Plaintiff served responses on November 19, 2021.

1 3. This is the fourth request by the parties to extend the discovery deadlines as set
2 forth in the September 25, 2020 Order.

3 4. The Parties previously stipulated and the Court granted a First Request to extend
4 the Stipulated Discovery Plan and Scheduling Order on January 15, 2021, following a COVID-
5 19 exposure that severely impacted Defendant's counsel and required closure of counsel's office.
6 ECF No. 22. Lead Defense Counsel was out of the office ill for four weeks, returning slowly in
7 mid-January while continuing to recover through February 2021.

8 5. The Parties subsequently stipulated, and the Court granted a Second Request to
9 extend the Stipulated Discovery Plan and Scheduling Order on April 27, 2021 to accommodate
10 the health of Plaintiff's Counsel. ECF 31. Plaintiff's Counsel experienced a medical emergency
11 which required surgery in September of 2020. Plaintiff's Counsel remained unable to walk
12 unassisted through the end of December 2020, required physical therapy three days a week, and
13 was expected to have surgery in June 2021 requiring four to six weeks of recovery time.

14 6. The Parties subsequently stipulated, and the Court granted a Third Request to
15 extend the Stipulated Discovery Plan and Scheduling Order on August 10, 2021 to accommodate
16 the health of Plaintiff's Counsel and Defendant's counsel. ECF 33. Plaintiff's Counsel required
17 two surgeries, one in late June and the second in early July, 2021, and required extensive
18 recovery time. In addition, Defendant's Counsel also fell seriously ill with the flu (which later
19 was found to relate to chronic ongoing issues following Covid19 illness), and Counsel was out of
20 the office in late July and part of August.

21 7. Unfortunately, Counsel for both Parties have been dealing with ongoing illness
22 and recovery. Plaintiff's Counsel's recovery following two surgeries in June and July 2021, has
23 been much slower and more painful than anticipated during the past few months, rendering
24 Plaintiff's Counsel unable to work until recently. Defendant's Counsel also became seriously ill
25 again recently due to chronic Covid19 related issues and was out of the office for a couple of
26 weeks. Counsels are now back in the office, working to catch up and complete discovery in this
27 case. Plaintiff responded to extensive written discovery requests from Defendant on November
28 19, 2021. The parties are now working to schedule depositions, but with the upcoming holidays

1 it will be difficult to complete the depositions prior to the current Discovery Deadline on
2 December 13, 2021.

3 8. The Parties thus stipulate and agree to extend the deadline for the close of
4 discovery ninety (90) days to allow the parties to complete the necessary witness depositions.

5 **STATEMENT OF DISCOVERY THAT HAS BEEN COMPLETED**

6 On September 15, 2020, Defendant served its initial disclosures. On October 16, 2020,
7 Plaintiff served her initial disclosures. On November 17, 2020, Plaintiff served Plaintiff's First
8 Set of Requests for Production of Documents (Request Nos. 1-36), Interrogatories and Request
9 for Admissions. On March 2, 2021, Defendant responded to Plaintiff's First Set of Requests for
10 Production of Documents (Request Nos. 1-36), Interrogatories and Request for Admissions.
11 Defendant also served a Supplement to Initial Disclosures on March 1, 2021. On April 14, 2021,
12 Defendant served its First Set of Requests for Production of Documents and Interrogatories on
13 Plaintiff. On November 19, 2021, Plaintiff responded to Defendant's written discovery requests.
14 The parties are currently working on scheduling depositions to complete discovery in this case.

15 **STATEMENT OF DISCOVERY THAT REMAINS TO BE COMPLETED**

16 The parties have not yet completed discovery and anticipate that additional time will be
17 needed to complete pending written discovery and depositions. For the above stated reasons, the
18 parties request that the discovery deadline be extended 90 days from **December 13, 2021 to**
19 **March 14, 2022.**

20 **PROPOSED SCHEDULE**

21 The parties stipulate and agree that:

22 1. **Discovery:** The discovery period shall be extended ninety (90) days from
23 **December 13, 2021 to March 14, 2022.** The deadline to request an additional extension to the
24 discovery period shall be February 21, 2022, twenty-one (21) days before the scheduled
25 discovery cut-off.

26 2. **Dispositive Motions:** The parties shall have through and including **April 13,**
27 **2022,** to file dispositive motions, which is 30 days after the discovery deadline.

28 3. **Pre-Trial Order:** If no dispositive motions are filed, the Joint Pretrial Order

1 shall be filed thirty (30) days after the date set for the filing of dispositive motions. In the event
2 dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until
3 thirty (30) days after decision on the dispositive motions or by further order of the Court.

4 4. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** In
5 accordance with Local Rule 26-3, a stipulation or motion for modification or extension of this
6 discovery plan and scheduling order and any deadline contained herein, must be made not later
7 than twenty-one (21) days before the subject deadline.

8 This stipulation and order is sought in good faith and not for the purpose of delay.

9 Dated this 22nd day of November, 2021.

10 LAW OFFICE OF
11 MULLINS & TRENCHAK

JACKSON LEWIS P.C.

12 /s/ Philip J. Trenchak
13 Philip J. Trenchak, Esq., Bar No. 9924
14 1614 S. Maryland Parkway
Las Vegas, Nevada 89104

15 *Attorney for Plaintiff*

12 /s/ Deverie J. Christensen
13 Deverie J. Christensen, Bar No. 6596
14 Hilary Williams, Bar No. 14645
300 S. Fourth Street, Suite 900
Las Vegas, Nevada 89101

15 *Attorneys for Defendant*
16 *Stratosphere Gaming LLC.*

17 **ORDER**

18 IT IS SO ORDERED

19 Dated: November 23, 2021

20
21 
22 U.S. District Judge/Magistrate Judge

23
24
25 4874-4011-4179, v. 1